

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE: BP p.l.c.  
SECURITIES LITIGATION**
































**MDL No. 10-md-2185**

# HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM and SHELL PENSION TRUST

**Civ. Act. No. 4:12-cv-3714**

**v.**

**BP p.l.c., et al.**

**HON. KEITH P. ELLISON**

## ORDER

Pending before the Court is Defendants’ Amended Second Tranche Consolidated Motion to Dismiss. (Doc. Nos. 58, 63.)<sup>1</sup> Having reviewed the original motion (Doc. No. 32), the amended motion, Plaintiffs’ response (Doc. Nos. 73, 76), Defendants’ reply (Doc. Nos. 82, 83), and all arguments and papers in support thereof, the Court finds that Defendants’ amended motion (Doc. Nos. 58, 63) must be **GRANTED IN PART** and **DENIED IN PART**. Pursuant to the reasoning articulated in the Memorandum and Order (the “*Avalon Holdings* Opinion”) issued this day in a related case—*Avalon Holdings, Inc. et al. v. BP p.l.c. et al.* [12-cv-3715]—the Court **GRANTS** the Amended Motion to Dismiss as to the following claims:

- All claims based on the portions of Anthony Hayward’s December 17, 2008 speech at the HRH Prince of Wales’s 3rd Annual Accounting for Sustainability Forum specified on page 13 of the parties’ original draft of the Conforming Stipulation. (Doc. No. 56, at 13.)
- All claims based on statements made in the 2004 Annual Report, dated June 30, 2005. (Doc. Nos. 27, 45 (the “Houston Compl.”), at ¶ 180.)

<sup>1</sup> Unless otherwise indicated, all docket references are to 12-cv-3714.

- All claims based on statements made in the August 17, 2005 press release. (*Id.* ¶ 181.)
- All claims based on statements made in the October 24, 2005 press release. (*Id.* ¶ 182.)
- All claims based on statements made in the 2005 Annual Review, dated February 6, 2006. (*Id.* ¶ 184.)
- All claims based on statements made in the 2006 Annual Report, dated March 6, 2007. (*Id.* ¶ 187.)
- All claims based on Mr. Hayward's statement to the press on May 18, 2010. (*Id.* ¶ 278.)

There being no claims remaining against Byron Grote, Lord John Browne, Andrew Inglis, or Peter Sutherland, these defendants are **DISMISSED**.

In all other respects, the Motion is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the thirtieth day of September, 2014.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison". The signature is fluid and cursive, with the first name "Keith" being more prominent.

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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE